Citizens' Assembly, proportionality and partnership

Designing a Citizens' Assembly for Aotearoa New Zealand

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Purpose

To develop an agreed approach to a New Zealand/Aotearoa-centric Citizens' Assembly on the climate and ecological crisis that achieves our strategic goals and honours the unique knowledge and role of Māori as tangata whenua through meaningful partnership.

Genesis

This document has been created by members of Extinction Rebellion Aotearoa New Zealand (XRANZ) and has undergone a consultation and revision process with both XRANZ's Citizens' Assembly working group and Te Waka Hourua, XRANZ's Māori-led working group.

It is now offered for use by government and its agencies at all levels within Aotearoa / New Zealand, to inform, provoke discussion, and guide formation of a model of Citizens' Assembly that is specifically Aotearoa/New Zealand-centric.

Introduction

In line with Extinction Rebellion International, Extinction Rebellion Aotearoa New Zealand's (XRANZ) third demand is a Citizens' Assembly on the climate and ecological emergency from a climate and ecological justice approach.

Within the wider landscape of Aotearoa New Zealand there is increasing interest in Citizens' Assemblies. Several different groups are working in this space, either campaigning on enacting a national Citizens' Assembly (e.g.i.e. Aotearoa Climate Emergency) or exploring how a Citizens' Assembly might be implemented here. Such initiatives are already being pursued at regional or local government level.

A key component is ensuring marginalised voices, including indigenous people, are heard. Yet there is a concern that a Citizens' Assembly could further marginalise Māori. Acknowledging that random selection and proportional representation are two fundamental components of a Citizens' Assembly, this discussion document explores concerns and potential solutions to ensuring a meaningful partnership with tangata whenua using this model.

This document is offered both as a platform to facilitate ongoing discussion, and as an indicator of what a template for such an Assembly may look like.

A summary of all proposals (that is, a draft template) is located at the end of this document.

If you are not familiar with the Citizens' Assembly model, it is recommended you read the Extinction Rebellion International Citizens' Assembly handbook.

https://rebellion.earth/wp/wp-content/uploads/2019/06/The-Extinction-Rebellion-Guide-to-Citizens-Assemblies-Version-1.1-25-June-2019.pdf

Background

A brief background of key issues is presented here to ground the discussion.

Climate and ecological emergency

The climate and ecological emergency is an existential crisis for our planet and humanity. Yet the impacts of crises are not equal; those who contributed least to the creation of this emergency are disproportionately impacted by the emergency. The concept of 'climate justice' embeds these broader social, economic and political issues within the climate and ecological emergency.

The current Covd-19 pandemic has heightened awareness of, and the ability of governments to respond to, crises on a global scale, and in particular has led to calls for a "green recovery" which adds impetus to the use of new forms of deliberative democracy to engage with the public in order to properly address these challenges.

"*There is no such thing as a single-issue struggle because we do not live single issue lives*" - Audre Lorde, American writer, feminist and civil rights activist

To build the power necessary to mitigate and adapt to the climate and ecological emergency we need to work together as allies.

Te Tiriti

Te Tiriti O Waitangi guarantees Māori sovereignty and partnership with the Crown. Despite generations of struggle and campaign, the State has failed to fully honour Te Tiriti.

There is ongoing dialogue on constitutional transformation for Aotearoa New Zealand. At the Iwi Chairs Forum in 2010, a working group was established "*to develop and implement a model for an inclusive Constitution for Aotearoa based on tikanga and kawa, He Whakaputanga o te Rangatiratanga o Niu Tireni of 1835, Te Tiriti o Waitangi of 1840, and other indigenous human rights instruments which enjoy a wide degree of international recognition*".

Based on 252 hui held between 2012 and 2015, the Matike Mai Aotearoa report provides recommendations for action within the next five years with the aim of constitutional transformation by 2040. This includes that "*a Māori Constitutional Convention be called in 2021 to further the discussion and develop a comprehensive engagement strategy across the country*" [(Report of Matike Mai Aotearoa on constitutional change)](#).

The State's failure to honor Te Tiriti does not stop allies from doing so. We can honor Te Tiriti internally and act in solidarity with Māori to achieve change.

However feedback from tangata whenua to date suggests Maori view Citizens' Assemblies as in the 'kawanatanga' space (governorship/government) whilst they reserve the 'rangatiratanga' space (self-determination) for themselves. This does not mean Assemblies cannot be recognised as a step in the right direction.

Citizens' Assemblies are not a substitute for constitutional transformation, but are a step towards it.

Extinction Rebellion

Extinction Rebellion is a new mass-participation organisation. Like any similar distributive and democratic organisation, it has to follow internal processes to make policy statements.

Extinction Rebellion is slightly different in that it hasn't developed specific policies, and in its original creation, didn't aim to. It sees itself as the "fire alarm" and that the path to developing solutions is via a Citizens' Assembly. This is based on the view that our systems aren't sufficiently responsive to urgency in addressing climate change, partly because of the political landscape and partly because of the complexity of the issue. Therefore solutions should be developed together by the community within a forum that is removed as much as practicable from the political process.

This philosophy has been practised in deriving this document.

Issues

This section discusses specific concerns that have been raised in regards to holding a national Citizens' Assembly in Aotearoa New Zealand. It is not an all-inclusive list, but attempts to provide further background, description of the issue and potential solutions for consideration.

1. What is a "citizen"?
2. A "fad" imported from England
3. A pākehā institution
4. Random-selection isn't representational
5. It doesn't guarantee partnership (50/50 rather than representational - i.e. 16.5% Māori)
6. It doesn't align with Matike Mai

Further detail associated with many of the potential solutions is outlined in this document under the section 'Piece by Piece', which explores a model for implementing a Citizens' Assembly in Aotearoa New Zealand by examining each 'piece' of the process.

1. What is a "citizen"?

1. Selection of "citizens"

Historically the definition of a citizen has been limited to specific groups. For example, in ancient Greece, home to one of the early democractic systems, all "citizens" could (and were expected to) vote on every piece of legislation, but this was confined to free adult males only.

Today the exercising of the right to participate in our democracy as a "citizen" is generally understood to be by anyone over the age of 18 who can legally vote. In Aotearoa New Zealand currently a person can be a citizen in three ways: by birth, by descent and by grant (NZ Government).

Any democratic decision-making process will have limitations for participation, but in framing a Citizens' Assembly process we must aim to be as representative as possible, and should not limit participation to those on the electoral roll or who can legally vote. Young New Zealanders under 18 have been integral to raising awareness about the emergency; it is their future we are discussing and they need to be included. Ideally other "non-voting" groups such as migrant workers and refugees should also be included.

Proposal: *That any Citizens' Assembly set up for the purposes of addressing the climate and ecological emergency should include as wide a representation of people domiciled and/or working in New Zealand/Aotearoa as is technically feasible and practicable.*

2. Change the name from Citizens' Assembly

Meaning is made and remade. Citizens' Assembly is the commonly accepted name in an international context, but it has also been called a 'Policy Jury'. Alternatives could be considered for Aotearoa New Zealand, and certainly a Te Reo Māori name could be developed and used.

Proposal: *Use a bilingual name; develop an appropriate name in Te Reo Māori and use Citizens' Assembly as the English name to enable continuity of meaning within an international context.*

2. A "fad" imported from UK

A Citizens' Assembly is based on the principles of participatory democracy and collective decision-making which has a long history in many cultural contexts, arising out of the practices of ancient Greece. Napoleon Bonaparte made use of Citizens' Assemblies during and post the French Revolution to guide the State.

In more recent times, Citizens' Assemblies or similar processes have been employed throughout the world to address complex or controversial issues where action has been impeded by political deadlock.

There are numerous examples at regional, provincial or national level, including activities in: Poland (flood response), Canada (electoral reform), India (rural development), Ireland (climate change and legalising abortion), UK (GM crops), and Australia (nuclear waste)

Proposal: *The value of holding a Citizens' Assembly should be determined by evidence against alternative tactics (e.g. Government Inquiries, Popular Assemblies etc). Though not perfect, it is the best proven tool we currently have to achieve the desired outcome because it embodies a method for more inclusive participatory democracy and collective-decision making.*

3. A pākehā institution

A Citizens' Assembly is a model for involving and engaging the community to explore issues and find solutions. Regardless of the historical evolution and uptake, it can be designed and implemented within the Aotearoa New Zealand context to embed Te Ao Māori into all stages of the process.

Proposal: *A Māori Citizens' Assembly Governance Committee should be set up to help guide all aspects of the process (among other potential tangata whenua-specific considerations outlined in this document).*

4. Random-selection isn't representational

There are several methods for the selection of participants in a governance or collective decision-making forum; 1) elected, 2) self-selected, 3) randomly selected, and 4) a combination.

Each method can be used to generate a group of people that represent the demographic diversity of society using a set of defined criteria. For example; through allocation of seats for elected or self-selection methods (as is used for a proportion of seats in government), or stratifying a randomly selected pool of people into demographic categories and again selecting a random group from those sub-groups (as used in sortition).

It is acknowledged that the election of participants brings in notions of subservience to interest groups and the limitations inherent in the political process, while self-selection excludes those traditionally marginalized in society because it relies on individuals empowered with higher levels of confidence, engagement and literacy.

It is precisely the random-selection of participants used in a Citizens' Assembly that is thought to engender more trust from the wider public and politicians because it removes the dominance of those with personal self-interest and political and financial power risks, and the subsequent limitations of usual decision-making processes, by offering the voice of informed everyday people.

Proposal: *Random-selection of participants creates a more equitable process for those traditionally excluded from decision-making spaces, provided the baseline for inclusion is as broad as practicable.*

5. It doesn't guarantee partnership

Partnership is often understood as an equal 50:50 relationship but should at least be respectful and reciprocal regardless of the number of people on each side of the relationship.

Citizens' Assembly participants are randomly selected using transparent criteria to ensure the group represents the demographic diversity in society. In terms of numbers, this means that there will be x number of people within each age bracket, educational level, urban/rural living etc matching the actual proportion in the community.

Ethnicity is a crucial consideration for selection. As Māori are 16.5% of the population, the ratio for a Citizens' Assembly would be 16.5 : 83.5 to represent society in Aotearoa New Zealand. It is acknowledged that a solely-numerical base doesn't meet accepted concepts of partnership under Te Tiriti.

The purpose of the Citizens' Assembly is to break through political deadlock generated by diverse interest groups in the country. As noted above, the random selection of participants to accurately represent society is fundamental to the value of a Citizen's Assembly to ensure that it is trusted by both the public and politicians to be the voice of New Zealanders. This gives the process and consequent recommendations more weight and provides the social licence for Parliament to act in response.

Proposal: *Since the random selection of participants to represent society is crucial to the power of the Citizens' Assembly, it is proposed that this be maintained even though it does not give Māori an equal partnership through number of participants alone. That does not exclude other methods of ensuring space and voice, some of which are explored in detail below.*

6. It doesn't align with Matike Mai

Matike Mai Aotearoa outlines six models for constitutional transformation [(Report of Matike Mai Aotearoa on constitutional change)](). Three of these are based on the creation of three spheres of influence: 1) Māori, 2) Tauiwi, 3) relational (shared space). A fourth is a multi-sphere model, the fifth contains only a relational sphere, and the last only Māori and Tauiwi spheres. More than one co-existing "Citizens' Assembly" could be considered, but it is submitted to do so would exceed the scope of the Citizens' Assembly model; i.e. would classify the process as some other form of deliberative democracy.

Also, while it is conceivable that a Citizens' Assembly recommends constitutional change, it is important to note it is not in itself a constitution change process, though it can fairly be said to be a step on the road to such change. However, that doesn't mean Matike Mai doesn't offer us important insights into how true partnership can be realised.

Proposal: *In line with the reasons under 5) above and elsewhere, it is proposed that only one Citizens' Assembly be instituted on any subject at any one time, rather than multiple "intersecting" Assemblies, provided such Assembly is adequately informed and guided by tangata whenua perspectives.*

Piece by piece: Citizens' Assembly model options

The Citizens' Assembly model has a number of components and an order of how they are enacted. This section explores each component to identify potential options to remove or minimise concerns regarding the further marginalisation of Māori (and other historically under-represented groups).

1. Government mandate and funding

2. Independent coordinators

3. Oversight panel

4. The question

   1. Target
   2. Principles

   3. Proposed Question

5. Population (from which people are initially randomly selected)

6. Sortition (random selection process)

7. Representational proportionality (objective criteria used to ensure demographic representation)

   1. Maori representation

   2. Weighted proportionality

   3. Adequate representation by other structurally-oppressed communities

8. Citizens' Assembly

   1. Single or multiple assemblies
   2. Size
   3. Accessibility
   4. Remuneration
   5. Conversation structure
   6. Caucusing

9. Experts and stakeholders

10. Reports

   1. Structure
   2. Scope

   11. Post- report

1. Government mandate and funding

Government's role is to give mandate to the Citizens' Assembly, fund the process and respond to/act on the reports. By "government" we mean all formal local and national decision-making governance bodies. There aren't any options to explore here, it is largely technical.

A Citizens' Assembly mandated and funded (coordinated independently) by the government is the obvious approach and may generate the most powerful leverage as this is the seat of decision-making. However, there could be other targets, for example the newly established Climate Commission could employ a Citizens' Assembly to generate direction which would feed into their budgets and policy recommendations - as we now advocate.

However we note that under current New Zealand law, there is no existing provision for a "citizens' assembly" (or any other such non-elected "at large/ad hoc" forum) to have formal decision-making powers. To enable Citizens' Assemblies to be used to their fullest extent, if/as desired, such provision needs to be made.

Proposal: *That formal provision be made within New Zealand legislature for Citizens' Assemblies to be accorded decision-making powers at all levels of governance, should said governance elect to be bound by such decisions. (In other words, create the option for a governance body to empower an Assembly to the level it feels is appropriate for the matters under consideration.)*

2. Independent coordinators

Independent coordinators plan and implement the Citizens' Assembly including the recruitment and selection of participants, organization of experts/speakers, logistics and facilitation of the assembly. This group needs to be independant to ensure it is a fair, inclusive and robust process that adheres to the purpose and goals.

Proposal: *This is an area that should have robust Māori representation.*

3. Oversight panel

The oversight panel provides governance to the entire process.

Proposal: *This is an area that should have robust Māori representation.*

4. The question

The question that is asked will shape the outcomes and value of the assembly. This is fundamental to the 'success' of a Citizens' Assembly as a tactic within the wider strategy to achieve its goals.

The proposed question has two parts:

a) the emissions reduction target, and

b) the required principles under which the target will be achieved.

Here are some example questions from international Citizens' Assemblies on climate:

Country	Question
French	"How to reduce greenhouse gas emissions in France by at least 40% (in relation to 1990 levels) by 2030, in the spirit of social justice?"
England	"What should the UK do to reach net zero emissions by 2050, and how should it do it?"
Ireland	"How the State can make Ireland a leader in tackling climate change" *Please note that this question was one of five topics considered by the Citizens' Assemblly which also considered abortion law reform*. Only a small amount of time was dedicated to climate.

1) Target: what we are trying to achieve.

Potential options are presented below by drawing on current scientific consensus and existing targets:

Options	Target	Source
1	1. a. 45% reduction in greenhouse gas emissions (below 2010 levels) by 2030; and b. Net zero greenhouse gas emissions by 2050.	IPCC recommendation.
2	45% reduction in greenhouse gas emissions (below 2010 levels) by 2030	Most urgent part of the IPCC recommendation.
3	Net zero greenhouse gas emissions by 2050.	Second part of the IPCC recommendation (which won't be achievable without the first). This is Green Party policy.
4	Reduce greenhouse gas emissions by	Aotearoa New Zealand's current Paris

	30% (below 2005 levels) by 2030 using gross-net accounting	commitment. (This is being updated in November at COP 26)
5	Reduce net greenhouse gas emissions (except biogenic methane) to zero by 2050 and reduce emissions of biogenic methane to 24–47 per cent below 2017 levels by 2050, including to 10 per cent below 2017 levels by 2030.	Zero Carbon Act provisions (These are the primary targets the Climate Change Commission is charged with finding ways to achieve.)
6	Net zero greenhouse gas emissions by 2025	Extinction Rebellion's target (i.e. second demand)

<u>Proposal</u>*: From an XRANZ perspective, our second demand (Option 6) is the preference to frame any Assembly on climate change, and Option 2 (the urgent IPCC recommendation) the suggested alternate. While there is no especial reason to constrain a Citizens' Assembly's deliberations - the more open the Question, the better - it is recognised New Zealand's legislative targets (Option 5) are what the Climate Change Commission must work toward, and the practicality of sitting within the existing legal framework is acknowledged.*

2) Principles: the things we must take into account to achieve the target.

Extinction Rebellion's current third demand reads:

"*Government must create and be led by the decisions of a Citizens' Assembly on climate and ecological justice.*"

The principles are "climate justice" and "ecological justice".

"Social justice" is arguably a more widely understood term encompassing these principles. However to best ensure social justice is more than simply inherent, a principle relating to the unique rights of Māori as tangata whenua should be included. It is acknowledged that this is just a starting point and leadership from Māori is crucial in progressing the conversation.

3) Proposed Assembly Question:

It is important resolution of any question is achievable within the context of our political landscape while still being ambitious. Keeping in mind that it is currently unlikely the Government will agree to "honour Te Tiriti" per se, and that legislated targets already exist, the following is offered as a question the Climate Change Commission could reasonably ask to inform its deliberations.

<u>Proposal</u>: *Adopt the following Assembly Question: "How best can we reduce greenhouse gas emissions in line with the targets set in the Climate Change Response (Zero Carbon) Amendment Act in Aotearoa New Zealand to a) achieve climate and ecological justice, whilst b) ensuring a meaningful partnership with Māori as tangata whenua, and c) are those legislated targets sufficient to properly redress the effects of climate change?"*

5. Population

The invitation and recruitment of participants is critical. There are two stages of random-selection within the process of finding participants.

The first step is to define the population. This is a combination of accessible people and other criteria. (For example, "the electoral roll" only defines "those guaranteed eligibility to vote".)

The second step is to randomly-select the potential assembly pool. This group is asked to complete a survey which confirms 1) their availability to participate and 2) representational criteria.

The third step is to choose the assembly members (and back-up positions) by applying sortition. This is random selection adjusted to be proportional based on the representational criteria.

The first step in recruiting potential assembly members is to identify the 'population' from which they will be found. It is achieved using random-selection methods from the whole of society. The number of people identified and invited is large to accomodate for non-responses and availability

The second step is to again randomly-select people from this population using predetermined criteria to create a smaller group that represents society (i.e. sortition).

The diagram below provides a conceptual overview of the process:
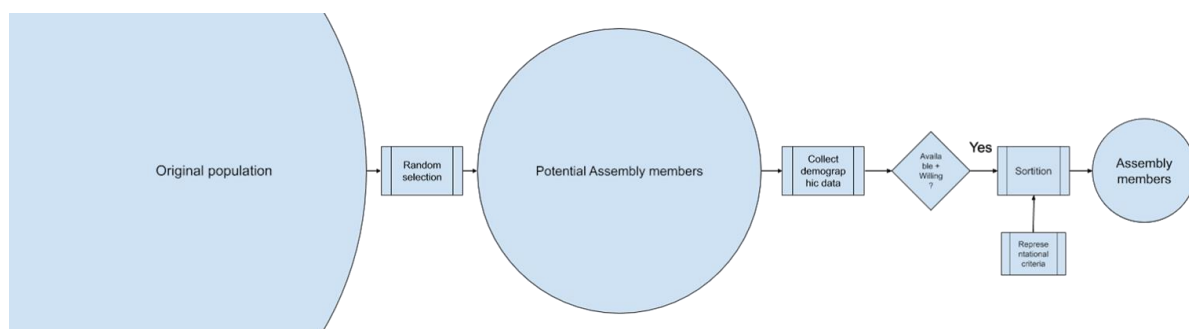
Methods for the random-selection of the 'population' could employ a range of creative and innovative measures to increase representation of marginalised groups. This needs to be balanced by available resources and funding and the need to act in a timely fashion due to the existential nature of the crisis in which the next couple of years are crucial to setting trajectories for the next decade.

The two options in common usage are the electoral roll (or similar official existing record) or cell-phone numbers. Pros and cons of these two methods are outlined below.

METHOD	POPULATION COVERAGE (#)	PRO	CON
Electoral Roll	3.25m	List exists.	Excludes people who aren't legal citizens or residents
			Excludes people under 18.
			Increased chance of excluding marginal groups not on electoral roll.
Cell Phone numbers	3.8m	Easy contact.	Lists are fragmented by network provider and include double-ups and "false" numbers
		Includes people under 18	
		Increased chance of including marginal groups who are not on the electoral roll.	May inherently exclude a portion of older New Zealanders.

Demographics here: https://elections.nz/stats-and-research/enrolment-statistics/enrolment-by-general-electorate/?name=all

Proposal: *Ensure those under 18 and marginalised groups not on the electoral roll are included as much as practicable. The Oversight Panel should determine the best means to achieve this.*

6. Sortition

The fundamental nature of sortition is random selection to generate a group of people that represent the demographic diversity of society (as outlined above).

7. Representational proportionality

The criteria to ensure demographic representation can be flexible provided it is quantifiable (can be collected) and objective.

1. Māori representation

Ethnicity is an essential criteria which will ensure Māori are represented. Currently 16.5% of the population identifies as Māori (from 2018 census). Whanau, hapu, iwi and place may be additional criteria considered to be essential. If proportionality is maintained as well as meeting this criteria it would increase the total number of participants in the assembly.

For example, ensuring representation from all 102 iwi and maintaining a Māori proportion of 16%, there would need to be a total of 612 people in the assembly (*see diagram below).* This is likely to be too large to manage effectively within a Citizens' Assembly process.

Additionally, other methods would need to be considered, such as using the boundaries of Māori electorates. Creating a new method, rather than something already being used, might create further issues.

As outlined through this document, a Citizens' Assembly is a model based on proportional representation. Any system that fundamentally changes proportionality isn't a Citizens' Assembly, but moves into the realm of another existing or emerging model of deliberative democracy. This needs to be fully recognised as the options are explored.

Note: Representation criteria for Māori will likely need to include area.
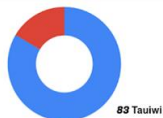
Māori pop: 16.5%
Iwi: 102
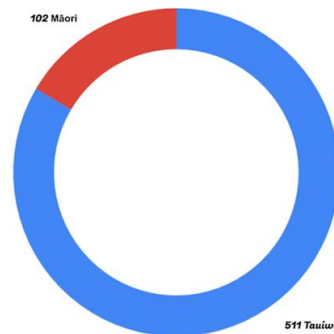Māori seats: 7
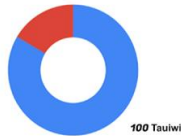
2. Weighted proportionality

A guaranteed assembly seat for Moriori is considered necessary because they would otherwise have no seat due to a relatively small proportion of the population identifying as Moriori. However,

a significant weighting for other groups would likely negate the "benefit" of complete randomness in terms of public acceptance and implementation of the recommendations.

Proposal: *The Citizens' Assembly process will ensure a Māori Oversight Committee is given a mandate to determine the additional transparent criteria for Māori to ensure there is as much representation for iwi and hapu as is possible within the seats available to Māori . Additional weighting should be given to a group that would otherwise not have a seat (i.e. Moriori).*

3. Adequate representation by other structurally-oppressed communities

Acknowledging that structurally-oppressed groups may be less likely to engage with the process due to a variety of reasons, there are several methods that can be used to facilitate meaningful engagement. For example, in the French Climate Convention, an NGO working with people that have no fixed address, partnered with the coordinators to identify and support two individuals to participate meaningfully in the assembly.

Methods of inclusion may include: Oversampling (i.e. additional invitations sent out to groups); and active targeted recruitment strategies (i.e. NGO assisted community engagement)

Proposal: *The Oversight Panel is given the tools to work transparently with third party groups to ensure the participation of marginalised groups.*

8. Citizens' Assembly

1. Single or multiple Assemblies

As outlined elsewhere, the Report of Matike Mai Aotearoa outlines six models for constitutional transformation, including the use of multiple spheres of influence that interact with each other in various ways. It could be considered that such an approach might be taken with a Citizens' Assembly, whereby (for example) a separate proportional Māori assembly sat alongside a holistic all-ethnicities assembly and interacted as necessary with each other while reporting separately, as well as producing a joint report.

However such a model is not supported as a "true" Citizens' Assembly, even though it may provide a more equitable voice for Māori in terms of "partnership" and Te Tiriti. It is also worth repeating that while a Citizens' Assembly may be a step on the path to constitutional transformation, it is not in itself such a vehicle, and any attempt to make it more so inherently changes the model to some other form of deliberative democracy.

Proposal: *That a single Citizens' Assembly be formed to consider the question of climate and*

ecological emergency, but that in order to provide as much space and voice as practicable to tangata whenua, Māori are given robust executive input into the design and oversight of the Assembly (and see Reports, below).

b. Size

The size (participant numbers) needs to be proportional (complete or weighted) and manageable. Size is usually between 60 and 200. One hundred has been used with 99 participants and 1 facilitator. 120 may be a logical number to consider in Aotearoa as it matches the number of MPs we have. (The Māori seats could be linked to general electorates for geographical distribution criteria, (although this may reinforce elements of the current Pākehā institution of government).

Proposal: *The size (participant numbers) needs to be proportional (complete or weighted) and manageable.*

c. Accessibility

In line with the concepts of inclusivity, there must be consideration of accessibility: sign language, accessible spaces, vision impairment, translations, gender and sexually diverse etc.

Proposal: *It is essential that any assembly embed inclusivity and accessibility at its core, including an accessible space, sign language, Te Reo and a fund for additional non-official languages.*

d. Remuneration

Extending considerations of inclusivity, people's participation will be determined by how financially accessible it is.

This will largely be determined by lost income, what days it is held, and costs to attend.

Criteria to consider:

- Lost income (i.e. would otherwise have been working)
- Costs covered (travel, accomodation, food, childcare, and accessibility)
- "Wages" to attend

There are a number of options:

- Voluntary with costs covered
- Remunerating people who would otherwise be working with costs covered
- Jury pay with costs covered (How much jurors get paid: https://www.justice.govt.nz/courts/jury-service/what-you-get-paid/)
- Juror pay + with costs covered (i.e. minimum or living wage)
- Matched earnings with costs covered

Proposal: *That as a baseline, a living wage be paid to all participants, with special consideration case-by-case for additional lost income and extraordinary expenses.*

e. Conversation structure

This is how the discussions occur during the assembly. Is the question limited to "what are 10 things that the New Zealand government must do...", or posed as an open-conversation structure (i.e. this is the place where the number of solutions - such as a 10-point plan - comes out).

Proposal: *This is an area where there could be robust Māori representation.*

f. Caucusing

Caucusing is essential to allow minorities of any sort (within the Assembly) to discuss issues of particular concern to their demographic.

Proposal: *Ensure a space for groups to meet within the assembly (i.e. Māori, youth, women, disabled, etc).*

9. Experts and stakeholders

Without intending to delimit any person or group's input into the process, we would sound a cautionary note around the inclusion of lobbyists or other apologists not directly representative of the groups they may claim to speak on behalf of.

To note a principle of XRANZ worth consideration here is that someone only speaks on their own behalf ("I" not "we") unless specifically mandated by the group as a whole or a recognised sub-group of it to speak on their behalf.

Proposal: *This is an area where there should be robust Māori representation.*

10. Reports

1. Structure

If we are to ensure that Māori voices are treated equally with Tauiwi, then aside from proportionality in participant numbers, the final report(s) is/are a record of people's voice.

In achieving true partnership and honouring Ti Tiriti, an equal voice for Māori will not mean an equal population. Instead, the purpose will be to ensure that despite there being less Māori than Tauiwi in Aotearoa New Zealand, they are treated as equal partners. Therefore irrespective of the issue of proportionality, there must be an independent report for Māori.

Note that in the options presented below, everyone would hear from experts and stakeholders, and deliberate together in one Citizens' Assembly. A benefit of this approach is that Māori assembly members are given space within a shared forum and may influence others in the assembly. Māori could also have space to deliberate on their own (i.e. caucusing as described above.)

Proportional shared report = proportional representation

Māori report = voice of Māori only

Tauiwi report = voice of Tauiwi only

Partnership consensus report = partnership report (weighted to give Māori 50% of the vote)
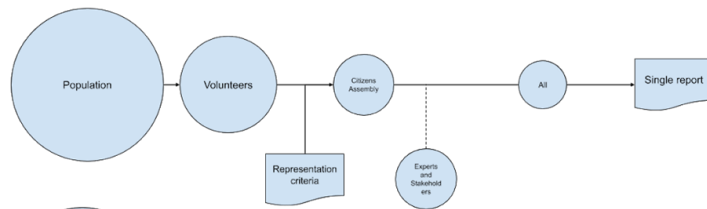
Options:

1. Single proportional shared report (proportional)
2. Māori report, proportional shared report
3. Māori report, Tauiwi report
4. Māori report, Tauiwi report, consensus report (partnership)
5. Māori report, proportional combined report, partnership consensus report (partnership)

There could also be a temperature check (not published outside meeting) where prior to a vote on the recommendations:
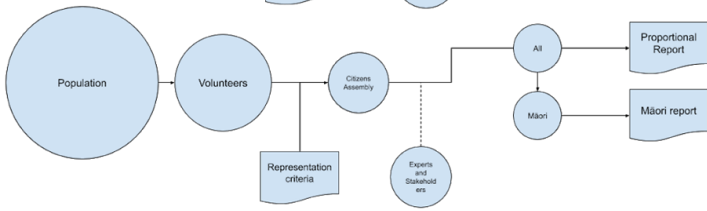
- Everyone temperature checks a vote
- Result shared for each report

https://docs.google.com/drawings/d/1faKIBFdK-fDOgM5M0_uR8khl-cL26VpjUS5B6efHOD4/edit?usp=sharing
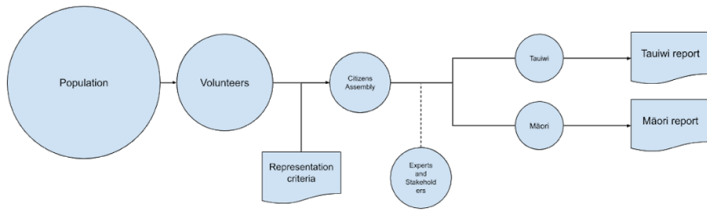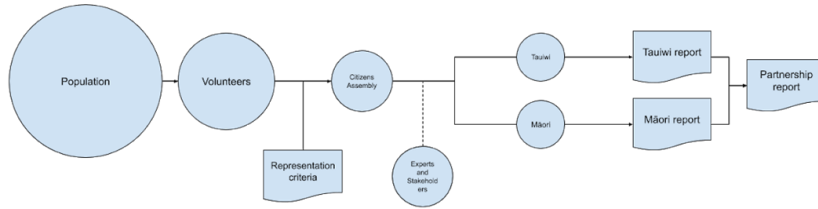
Combined and Māori report

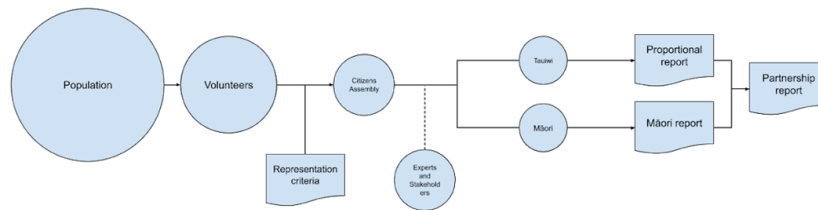Population → Volunteers → Citizens Assembly → All → Single report
Representation criteria
Experts and Stakeholders

Combined and Māori report

Population → Volunteers → Citizens Assembly → All → Proportional Report
→ Māori → Māori report
Representation criteria
Experts and Stakeholders

Tauiwi and Māori report

Population → Volunteers → Citizens Assembly → Tauiwi → Tauiwi report
→ Māori → Māori report
Representation criteria
Experts and Stakeholders

Seperate spheres and consensus report

Population → Volunteers → Citizens Assembly → Tauiwi → Tauiwi report → Partnership report
→ Māori → Māori report
Representation criteria
Experts and Stakeholders

Additional Māori sphere and consensus report

Population → Volunteers → Citizens Assembly → Tauiwi → Proportional report → Partnership report
→ Māori → Māori report
Representation criteria
Experts and Stakeholders

Proposal: *As an absolute minimum, there must be a separate Māori report. Ideally there would be a report by everyone (shared report), a Māori report, and a consensus (partnership) report (weighted to make inclusion 50:50 between Māori and Tauiwi)*

2. Scope: judgement vs proposal power vs decision-making power

What the final report(s) means legally has varied. They could either make a judgement (like a jury) which may be largely symbolic, create proposals for other agencies to consider, or be binding based on pre-agreed criteria.

Assembly recommendations could be:

- Binding,

- Binding if it meets certain criteria (e.g. whatever has 80% support of assembly members),

- Require Government response,

- Require Government response for items that meet certain criteria (e.g. whatever has 80%

support of assembly members),

- Determine the wording of a binding Citizens' Referendum,

- Determine the wording of a non-binding Citizens' Referendum,

- Symbolic only (i.e. a position statement)

A binding report may be more controversial and less likely to gain government support as a concept.

Proposal: As a *baseline requirement government should respond to the entirety of the report(s). Regardless of the power granted to the Assembly, there is value in the process and the recommendations as a tool for generating increased public dialogue and as a framework to inform ongoing campaigning in the event that there is a gap between government action and the reports.*

11. Post-report

There are numerous ways in which the Citizens' Assembly Report can be progressed. In part it depends on the use for which the Assembly is commissioned (i.e. the question(s) it attempts to answer and the level of commitment to its recommendations that the enabling body agrees to).

Responses from groups other than government may include:

- A coalition to develop a plan to ensure the implementation of the Citizens' Assembly recommendations

- People's assemblies around the country to workshop the outcome

- People's assemblies around the country to workshop the outcome and then a Citizens' Initiated Referendum

- A Citizens' Iinitiated Referendum

  (A Citizens' Initiated Referendum currently requires "a petition to Parliament signed by ten percent of all registered electors within 12 months")

  https://www.parliament.nz/en/get-involved/have-your-say/seek-a-referendum/

- Individual organisational responses

Proposal: *A Citizens' Assembly is not the end goal. It is part of a bigger movement. Consideration must be given to action after the assembly releases recommendations.*

Conclusion

This document has attempted to consolidate important concerns and considerations around holding a Citizens' Assembly in Aotearoa New Zealand. It is not all-inclusive nor complete, and is simply intended as a starting point for in-depth discussion within (and outside) XRANZ and any governance agency wishing to pursue the model.

APPENDIX: Proposal Summary

1.1 Selection of "citizens"

Proposal: That any Citizens' Assembly set up for the purposes of addressing the climate and ecological emergency should include as wide a representation of people domiciled and/or working

in New Zealand/Aotearoa as is technically feasible and practicable.

1.2. Change the name from Citizens' Assembly

Proposal: *Use a bilingual name; develop an appropriate name in Te Reo Māori and use Citizens' Assembly as the English name to enable continuity of meaning within an international context.*

2. A "fad" imported from England

Proposal: *The value of holding a Citizens' Assembly should be determined by evidence against alternative tactics (e.g. Government Inquiries, Popular Assemblies etc). Though not perfect, it is the best proven tool we currently have to achieve the desired outcome because it embodies a method for more inclusive participatory democracy and collective-decision making.*

3. A pākehā institution

Proposal: *A Māori Citizens' Assembly Governance Committee should be set up to help guide all aspects of the process (among other potential tangata whenua-specific considerations outlined in this document).*

4. Random-selection isn't representational

Proposal: *Random-selection of participants creates a more equitable process for those traditionally excluded from decision-making spaces, provided the baseline for inclusion is as broad as practicable.*

5. It doesn't guarantee partnership

Proposal: *Since the random selection of participants to represent society is crucial to the power of the Citizens' Assembly, it is proposed that this be maintained even though it does not give Māori an equal partnership through number of participants alone. That does not exclude other methods of ensuring space and voice, some of which are explored in detail below.*

6. It doesn't align with Matake Mai

Proposal*: In line with the reasons under 5) above and elsewhere, it is proposed that only one Citizens' Assembly be instituted on any subject at any one time, rather than multiple "intersecting" Assemblies, provided such Assembly is adequately informed and guided by tangata whenua perspectives.*

Piece by piece: Citizens' Assembly model options

1.Government

Proposal: *That formal provision be made within New Zealand legislature for Citizens' Assemblies*

to be accorded decision-making powers at all levels of governance, should said governance elect to be bound by such decisions. (In other words, create the option for a governance body to empower an Assembly to the level it feels is appropriate for the matters under consideration.)

2. Independent coordinators

Proposal: *This is an area which should have robust Māori representation.*

3. Oversight panel

Proposal: *This is an area which should have robust Māori representation.*

4. The question

    1. **Target:**

Proposal*: From an XRANZ perspective, our second demand (Option 6) is the preference to frame any Assembly on climate change, and Option 2 (the urgent IPCC recommendation) the suggested alternate. While there is no especial reason to constrain a Citizens' Assembly's deliberations - the more open the Question, the better - it is recognised New Zealand's legislative targets (Option 5) are what the Climate Change Commission must work toward, and the practicality of sitting within the existing legal framework is acknowledged.*

    2. **Proposed Assembly Question (specific to the Climate Change Commission):**

Proposal: *Adopt the following Assembly Question: "How best can we reduce greenhouse gas emissions in line with the targets set in the Climate Change Response (Zero Carbon) Amendment Act in Aotearoa New Zealand to a) achieve climate and ecological justice, whilst b) ensuring a meaningful partnership with Māori as tangata whenua, and c) are those legislated targets sufficient to properly redress the effects of climate change?"*

5. Population

Proposal: *Ensure those under 18 and marginalised groups not on the electoral roll are included as much as practicable. The Oversight Panel should determine the best means to achieve this.*

6. Sortition

Proposal: None. A structural component of the Citizens' Assembly model.

7. Representational proportionality

1 & 2. Maori representation and Weighted proportionality

Proposal: *The Citizens' Assembly process will ensure a Māori Oversight Committee is given a mandate to determine the additional transparent criteria for Māori to ensure there is as much representation for iwi and hapu as is possible within the seats available to Māori . Additional weighting should be given to a group that would otherwise not have a seat (e.g. Moriori).*

3. Adequate representation by other structurally-oppressed communities

Proposal: *The Oversight Panel is given the tools to work transparently with third party groups to ensure the participation of marginalised groups.*

8. Citizens' Assembly

1. Single or multiple assemblies

Proposal: *That a single Citizens' Assembly be formed to consider the question of climate and ecological emergency, but that in order to provide as much space and voice as practicable to tangata whenua, Māori are given robust executive input into the design and oversight of the Assembly (and see Reports, below).*

b. Size

Proposal: *The size (participant numbers) needs to be proportional (complete or weighted) and manageable.*

c. Accessibility

Proposal: *It is essential that any assembly embed inclusivity and accessibility at its core, including an accessible space, sign language, Te Reo and a fund for additional non-official languages.*

d. Remuneration

Proposal: *That as a baseline, a living wage be paid to all participants, with special consideration case-by-case for additional lost income and extraordinary expenses.*

e. Conversation structure

Proposal: This is an area where there could be robust Māori representation.

f. Caucusing

Proposal: *Ensure a space for groups to meet within the assembly (i.e. Māori, youth, women, disabled, etc).*

9. Experts and stakeholders

Proposal: *This is an area where there should be robust Māori representation.*

10. Reports

    1. **Structure**

Proposal: *As an absolute minimum, there must be a separate Māori report. Ideally there would be a report by everyone (shared report), a Māori report, and a consensus (partnership) report (weighted to make inclusion 50:50 between Māori and Tauiwi)*

    2. **Scope: judgement vs proposal power vs decision-making power**

Proposal*:* A*s a baseline requirement government should respond to the entirety of the report(s). Regardless of the power granted to the Assembly, there is value in the process and the recommendations as a tool for generating increased public dialogue and as a framework to inform ongoing campaigning in the event that there is a gap between government action and the reports.*

11. Post-report

Proposal: *A Citizens' Assembly is not the end goal. It is part of a bigger movement. Consideration must be given to action after the assembly releases recommendations.*

      Author: Citizen's Assembly working group of Extinction Rebellion Aotearoa New Zealand

      Approved by: the National Coordination working group of XRANZ (on June 1 2020)